

REMARKS

Applicant submits this Reply in response to the non-final Office Action mailed September 8, 2011. Claims 1-26 are pending in this application, of which claims 10, 12, 13, and 15-26 have been withdrawn from consideration. Thus, claims 1-9, 11, and 14 are submitted for examination on the merits, of which claim 1 is the sole independent claim. By this Reply, Applicant has amended independent claim 1. No new matter has been added.

In the Office Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by GB 2,033,881 (“Harris”); rejected claims 1-5, 8, 11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of U.S. Patent No. 6,817,474 (“Ikeda”); rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of Ikeda, and further in view of U.S. Patent No. 6,540,088 (“Oder”); and rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of Ikeda, and further in view of U.S. Patent No. 4,631,124 (“Paulson”).

Applicant respectfully traverses all pending rejections for at least the reasons discussed below.

Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Harris. In order to properly establish that Harris anticipates Applicant’s claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be

shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 1 recites, in part, "wherein the deduster and the pellet sorter are coupled to one another by a chute comprising a cover, the cover being configured to substantially prevent ambient particles from mixing with the batch as the batch passes between the deduster and the pellet sorter." Support for the amendment to claim 1 can be found in Applicant's specification at least at paragraph [029] and Fig.

2. There, Applicant's specification states, with respect to an exemplary embodiment:

The pellet sorter is coupled to the output of the deduster. It is configured to identify and remove at least additional loose contaminants and pellets containing contaminants embedded within them. Preferably, the apparatus further includes a passage between the deduster and the pellet sorter. This passage includes a cover to substantially prevent ambient particles from mixing with the collection.

Specification at [029] (emphasis added). Harris nowhere appears to disclose or render obvious such features.

In the Office Action, the Examiner asserts that Harris discloses a deduster (elements 32, 33, 35, 36, and 40 of Fig. 1) and a pellet sorter (elements 20-29 of Fig. 1). Office Action at 2. The Examiner further asserts, "Harris teaches . . . wherein the deduster and the pellet sorter are coupled to one another by a chute comprising a cover (Fig. 1 teaching chute near 15, 16, 18 with cover near 37 . . .). Id. at 3. However, the Examiner apparently concedes that Fig. 1 of Harris does not depict "wherein the deduster and the pellet sorter are coupled to one another by [the] chute," as recited in amended independent claim 1. Rather, the Examiner cites to page 2, line 50 of Harris,

which states, “The main portion 18 has flanges 37 for connecting the main portion to support structure (not shown).” The Examiner then concludes, “[I]t is not unreasonable to regard the chute as coupling the respective deduster and pellet sorter elements, especially since Harris teaches that the supporting structures of the chute are not shown and it is reasonable to expect that some type of support structure that physically connects and supports the respective elements is present.” Office Action at 8.

Applicant respectfully disagrees with the Examiner’s characterization of Harris. In fact, Harris discloses only a support structure (not shown) for supporting main portion 18, comprising chute 16. Nowhere does Harris disclose that the same support structure that supports main portion 18 is also coupled to optical inspection elements 22-29. Further, the Examiner’s assertion that one could imagine support structure coupling main portion 18 to inspection elements 22-29 is improper and not supported by Harris.

However, in an attempt to advance prosecution of this application, Applicant has amended independent claim 1 to recite, in part, “wherein the deduster and the pellet sorter are coupled to one another by a chute comprising a cover, the cover being configured to substantially prevent ambient particles from mixing with the batch as the batch passes between the deduster and the pellet sorter.” Thus, even assuming, *arguendo*, that the Examiner’s characterization of Harris is accurate, nowhere does Harris disclose a cover “configured to substantially prevent ambient particles from mixing with the batch,” particularly when “the batch passes between the deduster and the pellet sorter.” To the contrary, and as depicted in Fig. 1 of Harris, the distal end of cover 37 of chute 16 terminates some distance from optical inspection elements 22-29. See Harris at Fig. 1. Further, Harris fails to describe any structure “configured to

substantially prevent ambient particles from mixing with the batch as the batch passes between the deduster and the pellet sorter," as recited in amended independent claim 1.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of amended independent claim 1 based on Harris under 35 U.S.C. § 102. Moreover, claim 8 depends from independent claim 1, and thus, contains all the elements and limitations thereof. As a result, dependent claim 8 is allowable at least due to its corresponding dependence from independent claim 1.

Rejections Under 35 U.S.C. § 103(a)

Applying 35 U.S.C. § 103(a), the Examiner rejected claims 1-9, 11, and 14 as set forth above. However, a *prima facie* case of obviousness, a requirement of which is discussed below, has not been established for each amended claim for at least the following reasons.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must disclose all of the claim limitations, or the claim rejection must explain why the differences between the prior art and the claim limitations would have been obvious to one of ordinary skill in the art. See M.P.E.P. § 2141.

A *prima facie* case of obviousness has not been established because, among other things, Harris, Ikeda, Oder, and Paulson, alone or in any combination, fail to teach or render obvious every feature of Applicant's amended claims. Applicant has already established in the previous section that Harris fails to teach at least, "wherein the deduster and the pellet sorter are coupled to one another by a chute comprising a cover, the cover being configured to substantially prevent ambient particles from mixing with the batch as the batch passes between the deduster and the pellet sorter," as

recited in amended independent claim 1. The Examiner's additional citation of Ikeda, Oder, and Paulson fails to cure at least this deficiency of Harris, as Ikeda, Oder, and Paulson similarly fail to teach or render obvious, "wherein the deduster and the pellet sorter are coupled to one another by a chute comprising a cover, the cover being configured to substantially prevent ambient particles from mixing with the batch as the batch passes between the deduster and the pellet sorter." For example, Ikeda, at Figure 1, depicts an initial sorting device being entirely separate from a later second sorting device.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of amended independent claim 1 under 35 U.S.C. § 103(a) based on any combination of Harris, Ikeda, Oder, and Paulson. Moreover, claims 2-9, 11, and 14 each depend from amended independent claim 1, and thus, contain all the elements and limitations thereof. As a result, Applicant similarly requests that the Examiner reconsider and withdraw the rejections of claims 2-9, 11, and 14 under 35 U.S.C. § 103(a).

In addition, withdrawn claims 10, 12, 13, and 15 depend from allowable independent claim 1. Thus, claims 10, 12, 13, and 15 should be allowable for at least the same reasons as independent claim 1. Therefore, Applicant respectfully requests rejoinder and allowance of claims 10, 12, 13, and 15.

Claim Scope

It is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant believes that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6435.

Applicant respectfully notes that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

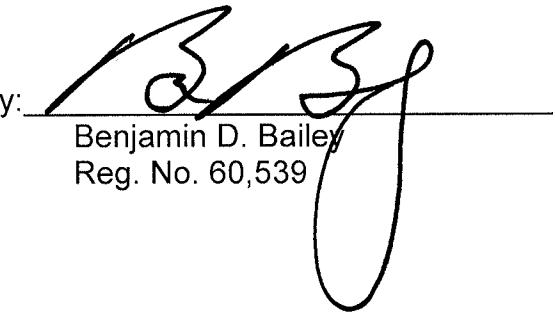
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: November 14, 2011

By:

Benjamin D. Bailey
Reg. No. 60,539

A handwritten signature in black ink, appearing to read "B D Bailey", is written over a horizontal line. Below the line, the name "Benjamin D. Bailey" and the registration number "Reg. No. 60,539" are printed in a smaller, sans-serif font.